

### **REMARKS**

Claims 17-31 are currently pending in this Application. This Amendment amends claims 18-23 and 25 to specifically define a characteristic of the CHIPS protein. Support for the amendments to the claims can be found in claim 17 and on page 4, lines 25-28 of the present specification, as originally filed. Entry of the above amendments is respectfully requested.

### **ELECTION WITH TRAVERSE**

The Examiner has required restriction for examination purposes between the inventions of Groups I-VI. Applicants hereby elect without prejudice the invention of Group I containing claims 17-19 and 23-24, drawn to a chemotaxis-inhibiting protein of *Staphylococcus aureus* (CHIPS protein), biological active substance, medicine and therapeutic composition.

Applicants respectfully traverse the restriction requirement with respect to the inventions of Groups I-V covering claims 17-27. The special technical feature that links the inventions of Groups I-V is the recitation of the CHIPS protein. In view of the above amendments to claims 18-23 and 25 which specifically clarify the characteristics of the CHIPS protein, the inventions of Groups I-V sufficiently relate to a single inventive concept and should be examined in a single application.

The Examiner asserts that the inventions of Groups I-VI do not relate to a single, general inventive concept because the inventions lack the same or corresponding special technical features. The Examiner issued a six-way restriction requirement (i.e., Groups I-VI) solely on the basis of an asserted lack of novelty of the invention of Group VI. This suggests, at a minimum, that the claims in Groups I-V are related.

According to PCT Rule 13.2, a special technical feature is defined as a contribution that each invention makes over the prior art. Therefore, unity of invention would

exist among the claims in an application described in a patentable compound, a process of making the compound, and its method of use. The single inventive concept described in claims 17-27 (i.e., Groups I-V) is the CHIPS protein which is a new and unique protein which is isolated from the supernatant of the Staphylococcus aureus and give inhibition of chemotaxis (See page 4, lines 14-17 of the present specification). The CHIPS protein is characterized by a molecular weight of about 17kD, the N-terminal amino acid sequence as given in Figure 4 (SEQ ID NO: 1) and a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1, under 1.2, and fragments thereof that have the biological activity as defined above (See page 4, lines 19-28 of the present specification). Therefore, the inventions of Groups I-V (i.e., claims 17-27) contain the special technical feature (i.e., CHIPS protein) that links the inventions of Groups I-V as to form a single inventive concept. In addition, no serious burden exists in examining the inventions of Groups I-V in a single application.

In view of the foregoing amendments and remarks, it is respectfully requested that the inventions of Groups I-V covering claims 17-27 be examined in a single application.

Respectfully submitted,

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### **MARKED-UP VERSION OF THE CLAIMS**

18. (Amended) A biologically active substance comprising a substance selected from the group consisting of the CHIPS protein having a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1, under 1.2, and fragments thereof that have said biological activity and biologically active fragments thereof.

19. (Amended) A medicine comprising a substance selected from the group consisting of the CHIPS protein having a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1, under 1.2, and fragments thereof that have said biological activity and biologically active fragments thereof.

20. (Amended) A method of treatment of acute and chronic inflammation reactions and HIV infection comprising administration of a substance selected from the group consisting of the CHIPS protein having a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1, under 1.2, and fragments thereof that have said biological activity and biologically active fragments thereof.

21. (Amended) Antibodies against a substance selected from the group consisting of the CHIPS protein having a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1,

under 1.2, and fragments thereof that have said biological activity and biologically active fragments thereof.

22. (Amended) A method for the treatment of *Staphylococcus* infection comprising the administration of antibodies against a substance selected from the group consisting of the CHIPS protein having a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1, under 1.2, and fragments thereof that have said biological activity and biologically active fragments thereof.

23. (Amended) A therapeutic composition comprising a suitable excipient and a substance selected from the group consisting of the CHIPS protein having a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1, under 1.2, and fragments thereof that have said biological activity and biologically active fragments thereof.

25. (Amended) A therapeutic composition comprising a suitable excipient and one or more antibodies against a substance selected from the group consisting of the CHIPS protein having a biological activity which consists of the capacity to prevent the binding of fMLP and/or C5a to granulocytes in a test as described in example 1, under 1.2, and fragments thereof that have said biological activity and biologically active fragments thereof.